

HOUSE BILL No. 1938

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-6-5.1.

Synopsis: Excise tax on recreational vehicles. Provides that recreational vehicles are subject to a recreational vehicle excise tax instead of the ad valorem property tax on personal property.

Effective: January 1, 2000.

Smith V

January 26, 1999, read first time and referred to Committee on Ways and Means.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1938

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-5.1 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2000]:

4 **Chapter 5.1. Recreational Vehicle Excise Tax**

5 **Sec. 1. (a)** As used in this chapter, "bureau" means the bureau
6 of motor vehicles.

7 **(b)** As used in this chapter, "last preceding annual excise tax
8 liability" means the amount of recreational vehicle excise tax
9 liability to which the recreational vehicle was subject on the
10 owner's last preceding regular annual registration date or to which
11 the recreational vehicle would have been subject if the vehicle had
12 been registered on that date.

13 **(c)** As used in this chapter, "license branch" means a branch
14 office of the bureau authorized to register motor vehicles.

15 **(d)** As used in this chapter, "mobile home" means a
16 nonself-propelled vehicle designed for occupancy as a dwelling or
17 sleeping place.

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(e) As used in this chapter, "owner" means the person in whose name the vehicle or trailer is registered (as defined in IC 9-13-2-121).

(f) As used in this chapter, "recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways.

(g) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and subject to annual registration as a condition of its operation on the public highways under the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(h) As used in this chapter, "vehicle" means a vehicle subject to annual registration as a condition of its operation on the public highways under the motor vehicle registration laws of the state.

Sec. 2. This chapter does not apply to the following:

- (1) Vehicles subject to the motor vehicle excise tax under IC 6-6-5.
- (2) Vehicles owned or leased and operated by the United States, the state, or political subdivisions of the state.
- (3) Mobile homes.
- (4) Vehicles assessed under IC 6-1.1-8.
- (5) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state.
- (6) Trailers subject to the annual excise tax imposed under IC 6-6-5-5.5.
- (7) Semitrailers.
- (8) Tractors.
- (9) Buses.
- (10) Vehicles owned or leased and operated by an institution of higher education (as defined in IC 6-3-3-5(d)).
- (11) Vehicles owned or leased and operated by a volunteer fire company (as defined in IC 36-8-12-2).
- (12) Vehicles owned or leased and operated by a volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).
- (13) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.
- (14) Farm wagons.



1 **Sec. 3. (a) There is imposed an annual license excise tax upon**
 2 **recreational vehicles. The excise tax is imposed instead of the ad**
 3 **valorem property tax levied for state or local purposes but in**
 4 **addition to any registration fees imposed on such vehicles.**

5 **(b) The tax imposed by this chapter is a listed tax and subject to**
 6 **the provisions of IC 6-8.1.**

7 **(c) A recreational vehicle other than a recreational vehicle in the**
 8 **inventory of vehicles held for sale by a manufacturer, distributor,**
 9 **or dealer in the course of business may not be assessed as personal**
 10 **property for the purpose of the assessment and levy of personal**
 11 **property taxes and is not subject to ad valorem taxes regardless of**
 12 **whether the recreational vehicle is registered under the motor**
 13 **vehicle registration laws. A person may not be required to give**
 14 **proof of the payment of ad valorem property taxes as a condition**
 15 **to the registration of any recreational vehicle subject to the tax**
 16 **imposed by this chapter.**

17 **Sec. 4. (a) As the basis for measuring the tax imposed by this**
 18 **chapter, the bureau shall determine the value of each recreational**
 19 **vehicle as of the time it is first offered for sale as a new vehicle in**
 20 **Indiana. The bureau shall adopt rules for determining the value of**
 21 **recreational vehicles using the "factory advertised delivered price"**
 22 **or the "port of entry price".**

23 **(b) If the bureau is unable to ascertain a value by the method for**
 24 **a recreational vehicle or class of vehicles because the vehicle is a**
 25 **specially constructed vehicle or for any other reason, the bureau**
 26 **shall determine, from available information, the true tax value**
 27 **subject to review and adjustment by the state board of tax**
 28 **commissioners.**

29 **(c) For each recreational vehicle, beginning with the 1990 model**
 30 **year, the bureau shall reduce the value determined under**
 31 **subsection (a) or (b) by dividing:**

32 **(1) the price determined under subsection (a) or (b); by**

33 **(2) one (1) plus the average percentage increase in new**
 34 **automobile prices using the most recent annual reference to**
 35 **the Consumer Price Index for Private New Automobiles as**
 36 **published by the Bureau of Labor Statistics of the United**
 37 **States Department of Labor.**

38 **Sec. 5. After determining the value of a recreational vehicle**
 39 **under section 4 of this chapter, the bureau shall classify every**
 40 **vehicle in its proper class according to the following classification**
 41 **plan:**

42 **Class I less than \$ 1,500**



| | | | |
|----|-------|-------|---|
| 1 | Class | II | at least \$ 1,500 but less than \$ 2,250 |
| 2 | Class | III | at least \$ 2,250 but less than \$ 3,000 |
| 3 | Class | IV | at least \$ 3,000 but less than \$ 4,000 |
| 4 | Class | V | at least \$ 4,000 but less than \$ 5,500 |
| 5 | Class | VI | at least \$ 5,500 but less than \$ 7,000 |
| 6 | Class | VII | at least \$ 7,000 but less than \$ 8,500 |
| 7 | Class | VIII | at least \$ 8,500 but less than \$10,000 |
| 8 | Class | IX | at least \$10,000 but less than \$12,500 |
| 9 | Class | X | at least \$12,500 but less than \$15,000 |
| 10 | Class | XI | at least \$15,000 but less than \$18,000 |
| 11 | Class | XII | at least \$18,000 but less than \$22,000 |
| 12 | Class | XIII | at least \$22,000 but less than \$25,000 |
| 13 | Class | XIV | at least \$25,000 but less than \$30,000 |
| 14 | Class | XV | at least \$30,000 but less than \$35,000 |
| 15 | Class | XVI | at least \$35,000 but less than \$42,500 |
| 16 | Class | XVII | at least \$42,500 but less than \$50,000 |
| 17 | Class | XVIII | at least \$50,000 but less than \$60,000 |
| 18 | Class | XIX | at least \$60,000 but less than \$70,000 |
| 19 | Class | XX | at least \$70,000 but less than \$80,000 |
| 20 | Class | XXI | at least \$80,000 but less than \$90,000 |
| 21 | Class | XXII | at least \$90,000 but less than \$100,000 |
| 22 | Class | XXIII | at least \$100,000 |

23 Sec. 6. (a) The amount of tax imposed by this chapter shall be
24 based upon the classification of the recreational vehicle under
25 section 5 of this chapter and the age of the recreational vehicle
26 under the schedule set out in subsection (c) or (d).

27 (b) If a person who owns a recreational vehicle has a deduction
28 under IC 6-1.1-12-13, IC 6-1.1-12-14, IC 6-1.1-12-16, or
29 IC 6-1.1-12-17.4 from assessed valuation to which the person is
30 entitled, applicable to property taxes payable in the year in which
31 the excise tax imposed by this chapter is due, remaining after
32 allowance of the deduction on real estate and personal property
33 owned by the person, the person is entitled to a credit under this
34 subsection that reduces the annual excise tax by the following
35 amounts:

36 (1) Nine dollars (\$9) on each one hundred dollars (\$100) of
37 taxable value or major portion thereof for excise taxes paid in
38 2000 and 2001.

39 (2) Three dollars (\$3) on each one hundred dollars (\$100) of
40 taxable value or major portion thereof for excise taxes paid in
41 2002 and each year thereafter.

42 The county auditor shall, upon request, furnish a certified



statement to the person verifying the credit allowable under this section. The statement shall be presented to and retained by the bureau to support the credit.

(c) The tax schedule is as follows:

| Year of Manufacture | I | II | III | IV | V |
|------------------------|-------|-------|-------|-------|-------|
| 1st | \$24 | \$57 | \$79 | \$105 | \$143 |
| 2nd | 21 | 49 | 68 | 92 | 124 |
| 3rd | 17 | 40 | 56 | 79 | 104 |
| 4th | 14 | 32 | 44 | 66 | 85 |
| 5th | 12 | 23 | 32 | 53 | 72 |
| 6th | 12 | 18 | 24 | 40 | 59 |
| 7th | 12 | 12 | 16 | 27 | 46 |
| 8th | 12 | 12 | 12 | 20 | 26 |
| 9th | 12 | 12 | 12 | 14 | 13 |
| 10th | 12 | 12 | 12 | 12 | 12 |
| and thereafter | | | | | |
| Year of Manufacture | VI | VII | VIII | IX | X |
| 1st | \$188 | \$233 | \$278 | \$338 | \$413 |
| 2nd | 165 | 209 | 249 | 302 | 358 |
| 3rd | 141 | 175 | 211 | 260 | 313 |
| 4th | 117 | 144 | 177 | 221 | 269 |
| 5th | 92 | 115 | 145 | 185 | 230 |
| 6th | 71 | 84 | 111 | 147 | 189 |
| 7th | 55 | 68 | 85 | 118 | 155 |
| 8th | 34 | 46 | 62 | 91 | 128 |
| 9th | 21 | 24 | 39 | 46 | 61 |
| 10th | 14 | 14 | 14 | 14 | 15 |
| and thereafter | | | | | |
| Year of Manufacture | XI | XII | XIII | XIV | XV |
| 1st | \$495 | \$600 | \$705 | \$825 | \$975 |
| 2nd | 430 | 521 | 611 | 716 | 847 |
| 3rd | 374 | 454 | 529 | 624 | 738 |
| 4th | 323 | 392 | 432 | 538 | 616 |
| 5th | 275 | 334 | 353 | 459 | 505 |
| 6th | 226 | 274 | 285 | 376 | 406 |
| 7th | 186 | 226 | 226 | 310 | 322 |
| 8th | 153 | 155 | 152 | 214 | 218 |
| 9th | 75 | 75 | 73 | 103 | 105 |
| 10th | 26 | 32 | 36 | 43 | 51 |



| | | | | | | |
|----|-----------------------|---------|---------|---------|---------|---------|
| 1 | and thereafter | | | | | |
| 2 | Manufacture | XVI | XVII | XVIII | XIX | XX |
| 3 | 1st | \$1,163 | \$1,388 | \$1,650 | \$1,950 | \$2,250 |
| 4 | 2nd | 1,010 | 1, 204 | 1,432 | 1,692 | 1,952 |
| 5 | 3rd | 880 | 1,039 | 1,235 | 1,459 | 1,683 |
| 6 | 4th | 758 | 905 | 1,076 | 1,272 | 1,467 |
| 7 | 5th | 646 | 772 | 918 | 1,085 | 1,251 |
| 8 | 6th | 531 | 631 | 750 | 887 | 1,023 |
| 9 | 7th | 438 | 501 | 595 | 703 | 811 |
| 10 | 8th | 320 | 337 | 401 | 474 | 547 |
| 11 | 9th | 155 | 164 | 195 | 230 | 265 |
| 12 | 10th | 61 | 72 | 86 | 101 | 117 |

| | | | | | |
|----|----------------|---------|---------|---------|--|
| 13 | and thereafter | | | | |
| 14 | Year of | | | | |
| 15 | Manufacture | XXI | XXII | XXIII | |
| 16 | 1st | \$2,550 | \$2,850 | \$3,750 | |
| 17 | 2nd | 2,212 | 2,472 | 3,253 | |
| 18 | 3rd | 1,908 | 2,132 | 2,805 | |
| 19 | 4th | 1,663 | 1,858 | 2,445 | |
| 20 | 5th | 1,418 | 1,585 | 2,085 | |
| 21 | 6th | 1,159 | 1,295 | 1,704 | |
| 22 | 7th | 919 | 1,027 | 1,352 | |
| 23 | 8th | 619 | 692 | 911 | |
| 24 | 9th | 300 | 336 | 441 | |
| 25 | 10th | 132 | 148 | 195 | |

26 and thereafter.

27 (d) Each recreational vehicle shall be taxed as a recreational
 28 vehicle in its first year of manufacture throughout the calendar
 29 year in which a vehicle of that make and model is first offered for
 30 sale in Indiana. However, a recreational vehicle of a make and
 31 model first offered for sale in Indiana after August 1 of any year
 32 shall continue to be taxed as a recreational vehicle in its first year
 33 of manufacture until the end of the calendar year following the
 34 year in which it is first offered for sale. Thereafter, the recreational
 35 vehicle shall be considered to have aged one (1) year as of January
 36 1 of each year.

37 Sec. 7. (a) Except as provided in this chapter, the excise tax
 38 imposed upon a recreational vehicle under this chapter is payable
 39 for each registration year by the owner in respect to a recreational
 40 vehicle required to be registered for the registration year as
 41 provided in the motor vehicle laws of Indiana. Except as provided
 42 in section 8 of this chapter, the excise tax is due on or before the



regular annual registration date in each year on or before which the owner is required under the motor vehicle registration laws of Indiana to register vehicles, and the excise tax shall be paid to the bureau at the time the vehicle is registered by the owner as provided in the state motor vehicle registration laws. A vehicle subject to taxation under this chapter shall be registered by the owner as being taxable in the county of the owner's residence. The payment of the excise tax imposed by this chapter is a condition to the right to register or reregister the recreational vehicle and is in addition to all other conditions prescribed by law.

(b) A voucher from the department of state revenue showing payment of the excise tax imposed by this chapter may be accepted by the bureau instead of a payment under subsection (a).

Sec. 8. (a) With respect to a recreational vehicle that has been acquired, has been brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the recreational vehicle is required under the state motor vehicle registration laws to register vehicles, the tax imposed by this chapter is due and payable at the time the recreational vehicle is acquired, is brought into the state, or otherwise becomes subject to registration. The amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the state motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the recreational vehicle.

(b) If a recreational vehicle that is acquired, is brought into the state, or for any other reason becomes subject to registration after January 1 of any year, the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and may pay any excise tax due on the recreational vehicle for the remainder of the annual registration year and simultaneously register the recreational vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of a recreational vehicle that was owned by the applicant on or before the registrant's annual registration period. A recreational vehicle owned by an Indiana



resident applicant that was located in and registered for use in another state during the same calendar year is entitled to the same reduction when registered in Indiana.

(d) The owner of a recreational vehicle who sells the recreational vehicle in a year in which the owner has paid the tax imposed by this chapter is entitled to receive a credit equal to the remainder of:

- (1) the tax paid for the recreational vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other recreational vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer three dollars (\$3) of the fee to the bureau of motor vehicles commission to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the recreational vehicle must present to the bureau proof of sale of the recreational vehicle.

(e) Subject to the requirements of subsection (g), the owner of a recreational vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter and the recreational vehicle is not replaced by a replacement vehicle for which a credit is issued under this section is entitled to receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the recreational vehicle.
- (4) The registration from the recreational vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed recreational vehicle. The amount shall be refunded by a warrant issued by the county auditor of the county that received the excise tax revenue and shall be paid out of the



special account created for settlement of the excise tax collections under section 12 of this chapter. For purposes of this subsection, a recreational vehicle is considered destroyed if the cost of repair of damages suffered by the recreational vehicle exceeds the recreational vehicle's fair market value.

(f) If the name of the owner of a recreational vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner is, at the time the name change is reported, entitled to a refund from the county treasurer in the amount of the product of:

(A) ten percent (10%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the recreational vehicle is subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) To claim a credit under subsection (e) for a recreational vehicle that is destroyed, the owner of the recreational vehicle must present to the bureau of motor vehicles a valid registration for the recreational vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

Sec. 9. (a) The owner of a recreational vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter



1 if, after the owner's regular registration date:

2 (1) the owner registers the recreational vehicle for use in
3 another state; and

4 (2) the owner pays tax for use of the recreational vehicle to
5 another state for the same time period for which the tax was
6 paid under this chapter.

7 (b) The refund provided under subsection (a) is equal to:

8 (1) the annual license excise tax paid for use of the
9 recreational vehicle by the owner of the vehicle for the year;
10 minus

11 (2) ten percent (10%) of the annual license excise tax paid for
12 use of the recreational vehicle for each full or partial calendar
13 month between the date the annual license excise tax was due
14 and the date the owner registered the vehicle for use in
15 another state.

16 (c) To claim the refund provided by this section, the owner of
17 the recreational vehicle must provide the bureau with:

18 (1) a request for a refund on a form furnished by the bureau;
19 and

20 (2) proof that a tax described in subsection (a)(2) was paid.

21 Sec. 10. (a) To claim a credit or a refund, or both, under this
22 chapter, a person must provide a sworn statement to the bureau or
23 to an agent branch of the bureau that the person is entitled to the
24 credit or refund, or both, claimed by the person.

25 (b) The bureau may inspect records of a person claiming a
26 credit or refund, or both, under this chapter to determine if a
27 credit or refund, or both, was properly allowed against the
28 recreational vehicle excise tax imposed on a recreational vehicle
29 owned by the person.

30 (c) If the bureau determines that a credit or refund, or both, was
31 improperly allowed for a particular recreational vehicle, the
32 person who claimed the credit or refund, or both, shall pay the
33 bureau an amount equal to the credit or refund, or both,
34 improperly allowed to the person plus a penalty of ten percent
35 (10%) of the credit or refund, or both, improperly allowed. The tax
36 collected under this subsection shall be paid to the county treasurer
37 of the county in which the taxpayer resides. However, a penalty
38 collected under this subsection shall be retained by the bureau.

39 Sec. 11. (a) The bureau shall include on all registration forms
40 suitable spaces for the applicant's Social Security number or
41 federal tax identification number, the amount of the registration
42 fee, the amount of excise tax, the amount of credit, if any, as



provided in section 6 of this chapter, and the total amount of payment due on account of the applicable registration fees and excise taxes upon the registration of the recreational vehicle. The forms must include spaces for showing the county, city, or town and township and address of the place where the owner resides.

(b) The bureau shall list on all registration forms for recreational vehicles the amount of registration fees and taxes due. In addition, the bureau shall prepare by December 1 of each year a schedule showing the excise tax payable on each make and model of recreational vehicle.

Sec. 12. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may use the services and facilities of license branches operated under IC 9-16 in its administration of the state motor vehicle registration laws. The license branches may be used in the manner and to the extent the bureau considers necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, if the bureau uses the license branches in the collection of excise taxes, the following apply:

(1) The excise taxes collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subdivision. Before the eleventh day of the month following the month in which the collections are made, the bureau shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of the excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each recreational vehicle, each refund on a recreational vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall report to the bureau all excise taxes collected and refunds made under this chapter in the



1 same manner and at the same time as registration fees are
2 reported.

3 (4) Premiums for insurance to protect the funds collected by
4 license branches against theft shall be paid by the bureau,
5 except that the bureau may issue blanket coverage for all
6 branches at its discretion. At the discretion of the bureau, the
7 bureau may:

8 (A) self-insure to cover the activities of the license
9 branches; or

10 (B) rather than purchase a bond or crime insurance policy
11 for each branch, purchase a single blanket bond or crime
12 insurance policy endorsed to include faithful performance
13 to cover all branches.

14 (5) If the services of a license branch are used by the bureau
15 in the collection of the excise tax imposed by this chapter, the
16 license branch shall collect the service charge prescribed
17 under IC 9-29 for each vehicle registered upon which an
18 excise tax is collected by that branch.

19 (6) If the excise tax imposed by this chapter is collected by the
20 department of state revenue, the money collected shall be
21 deposited in the state general fund to the credit of the
22 appropriate county and reported to the bureau of motor
23 vehicles on the first working day following the week of
24 collection. Except as provided in subdivision (7), money
25 collected by the department that represents interest or a
26 penalty shall be retained by the department and used to pay
27 its costs of enforcing this chapter.

28 (7) This subdivision applies only to interest or a penalty
29 collected by the department of state revenue from a person
30 who:

31 (A) fails to properly register a recreational vehicle as
32 required by IC 9-18 and pay the tax due under this
33 chapter; and

34 (B) during any time after the date by which the
35 recreational vehicle was required to be registered under
36 IC 9-18, displays on the vehicle a license plate issued by
37 another state.

38 The total amount collected by the department that represents
39 interest or a penalty, minus a reasonable amount determined
40 by the department to represent its administrative expenses,
41 shall be deposited in the state general fund for the credit of
42 the county in which the person resides. The amount shall be

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1 reported to the bureau of motor vehicles on the first working
2 day following the week of collection.

3 The bureau may contract with a bank card or credit card vendor
4 for acceptance of bank or credit cards. However, if there is a
5 vendor transaction charge or discount fee, whether billed to the
6 bureau or charged directly to the bureau's account, the bureau
7 shall collect from the person using the card an official fee that may
8 not exceed the highest transaction charge or discount fee charged
9 to the bureau by bank or credit card vendors during the most
10 recent collection period. The fee may be collected regardless of
11 retail merchant agreements between the bank and credit card
12 vendors that may prohibit such a fee. The fee is a permitted
13 additional charge under IC 24-4.5-3-202.

14 (b) On or before April 1 of each year, the bureau shall provide
15 to the auditor of state the amount of recreational vehicle excise
16 taxes collected for each county for the preceding year.

17 (c) On or before May 10 and November 10 of each year, the
18 auditor of state shall distribute to each county one-half (1/2) of:

19 (1) the amount of delinquent taxes; and

20 (2) any penalty or interest described in subsection (a)(7);
21 that have been credited to the county under subsection (a). There
22 is appropriated from the state general fund the amount necessary
23 to make the distributions required by this subsection. The county
24 auditor shall apportion and distribute the delinquent tax
25 distributions to the taxing units in the county at the same time and
26 in the same manner as excise taxes are apportioned and distributed
27 under section 13 of this chapter.

28 (d) The commissioner of insurance shall prescribe the form of
29 the bonds or crime insurance policies required by this section.

30 Sec. 13. (a) The bureau shall establish procedures necessary for
31 the collection and proper accounting of the tax imposed by this
32 chapter. The necessary forms and records shall be subject to
33 approval by the state board of accounts.

34 (b) The county treasurer, upon receiving the excise tax
35 collections, shall place the collections into a separate account for
36 settlement at the same time as property taxes are accounted for
37 and settled in June and December of each year with the right and
38 duty of the treasurer and auditor to make advances before the time
39 of final settlement of property taxes in the same manner as
40 provided in IC 5-13-6-3.

41 (c) The county auditor shall determine the total amount of
42 excise taxes collected for each taxing unit in the county, and the

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1 amount collected shall be apportioned and distributed among the
2 respective funds of each taxing unit in the same manner and at the
3 same time as property taxes are apportioned and distributed.

4 (d) The determination under subsection (c) shall be made from
5 copies of vehicle registration forms furnished by the bureau of
6 motor vehicles. Before the determination, the county assessor shall,
7 from copies of registration forms, verify information pertaining to
8 legal residence of persons owning taxable vehicles from the
9 assessor's records, to the extent the verification can be made. The
10 county assessor shall further identify and verify from the assessor's
11 records the taxing units within which the persons reside.

12 (e) Verifications shall be completed not later than thirty (30)
13 days after receipt of vehicle registration forms by the county
14 assessor, and the assessor shall certify the information to the
15 county auditor for the county auditor's use when it is checked and
16 completed.

17 Sec. 14. The county auditor shall, from the copies of the
18 registration forms furnished by the bureau, verify and determine
19 the total amount of excise taxes collected for each taxing unit in the
20 county. The bureau shall verify the collections reported by the
21 branches and provide the county auditor adequate and accurate
22 audit information, registration form information, records, and
23 materials to support the proper assessment, collection, and refund
24 of excise taxes.

25 Sec. 15. The county auditor shall, not later than August 1 of a
26 year, furnish to the proper officer of each municipal corporation
27 an estimate of the money to be distributed to the taxing units under
28 this chapter during the next calendar year, and the budget of each
29 municipal corporation must show the estimated amounts to be
30 received for each fund for which a property tax is proposed to be
31 levied. The term "municipal corporation" means any county, city,
32 town, township, school corporation, public library, or other taxing
33 district.

34 Sec. 16. An owner of a recreational vehicle who knowingly
35 registers the recreational vehicle without paying the excise tax
36 required by this chapter commits a Class B misdemeanor. An
37 employee of the bureau or a branch manager or employee of a
38 license branch office who recklessly issues a registration on any
39 recreational vehicle without collecting the excise tax required to be
40 collected with the registration commits a Class B misdemeanor.

41 Sec. 17. The registration of a recreational vehicle registered
42 without payment of the excise tax imposed by this chapter is void,



1 and the bureau shall take possession of the registration certificate,
 2 license plate, and other evidence of registration until the owner
 3 pays the delinquent excise taxes and an additional fee of ten dollars
 4 (\$10) to compensate the bureau for performing the additional
 5 duties.

6 **Sec. 18.** In the administration and collection of the annual
 7 license excise taxes imposed by this chapter, the bureau may
 8 contract with a collection agency to collect and receive property
 9 taxes on behalf of the county treasurer and receive and collect on
 10 behalf of the bureau the annual license excise taxes imposed by this
 11 chapter and such registration fees and charges as the bureau may
 12 direct. A collection agency shall comply with the requirements
 13 concerning the collection of property taxes on behalf of county
 14 treasurers and other requirements, including the posting of a bond,
 15 established by the bureau.

16 **Sec. 19.** (a) The excise tax imposed by this chapter is equal to the
 17 following average property tax rate:

18 (1) Nine dollars (\$9) on each one hundred dollars (\$100)
 19 taxable value for property taxes first due and payable before
 20 January 1, 2002.

21 (2) Three dollars (\$3) on each one hundred dollars (\$100)
 22 taxable value for property taxes first due and payable after
 23 December 31, 2001.

24 (b) For the purpose of limitations on indebtedness of political or
 25 municipal corporations imposed by Article 13, Section 1 of the
 26 Constitution of the State of Indiana, recreational vehicles subject
 27 to the excise tax under this chapter are deemed to be taxable
 28 property within each political or municipal corporation where the
 29 owner resides.

30 (c) The assessed valuation of recreational vehicles subject to the
 31 excise tax under this chapter shall be determined by multiplying
 32 the amount of the tax by one hundred (100) and dividing the result
 33 by the following:

34 (1) Nine dollars (\$9) for property taxes first due and payable
 35 before January 1, 2002.

36 (2) Three dollars (\$3) for property taxes first due and payable
 37 after December 31, 2001.

38 **Sec. 20.** In the administration and collection of the annual
 39 license excise tax as imposed by this chapter, the bureau may
 40 coordinate and consolidate the collection of the taxes from each
 41 taxpayer as imposed on all recreational vehicles owned by a
 42 taxpayer following procedures the bureau considers reasonable



1 and feasible, including the revocation of all registrations of
 2 recreational vehicles by an owner if the owner willfully fails and
 3 refuses to pay the excise tax imposed by this chapter. Upon a
 4 revocation of registration the bureau shall notify the department
 5 of state revenue of the name and address of the taxpayer.

6 **Sec. 21.** There is appropriated to the bureau from the state
 7 general fund a sum sufficient to defray the expenses incurred by
 8 the bureau in the administration of the excise tax provisions of this
 9 chapter. Only those expenses that would not be incurred in the
 10 administration of the state motor vehicle registration laws shall be
 11 paid out of the state general fund. The state budget agency shall
 12 approve all funds paid from the state general fund as required in
 13 this section.

14 **SECTION 2.** [EFFECTIVE JANUARY 1, 2000] (a) **IC 6-6-5.1**, as
 15 added by this act, applies to recreational vehicles registered after
 16 December 31, 1999.

17 (b) A recreational vehicle, except a recreational vehicle held in
 18 the inventory of vehicles held for sale by a manufacturer,
 19 distributor, or dealer in the course of business, may not be assessed
 20 as personal property for the purpose of the assessment and levy of
 21 personal property taxes after December 31, 1999.

22 (c) A taxpayer is entitled to a credit against the current property
 23 taxes imposed on a recreational vehicle owned or possessed by the
 24 taxpayer that the taxpayer is required to pay on or before May 10,
 25 2000, and November 10, 2000. The amount of credit equals the
 26 total amount of current property taxes on the same recreational
 27 vehicles that the taxpayer is required to pay on each installment
 28 due under IC 6-1.1-22-9 during calendar year 2000 to a taxing unit
 29 or units that have imposed the property taxes for collection in
 30 calendar year 2000 based on a March 1, 1999, assessment.

31 (d) This SECTION expires January 1, 2002.

32 **SECTION 3.** [EFFECTIVE JANUARY 1, 2000] (a) The bureau of
 33 motor vehicles shall certify to the state board of tax commissioners
 34 the amount of recreational vehicle excise tax distributed to each
 35 county auditor in calendar year 2000 that is attributable to the tax
 36 imposed on recreational vehicles under IC 6-6-5.1, as added by this
 37 act.

38 (b) Each county auditor shall certify to the state board of tax
 39 commissioners the amount of recreational vehicle excise tax
 40 distributed to each taxing unit in the county in calendar year 2000
 41 that is attributable to the tax imposed on recreational vehicles
 42 under IC 6-6-5.1, as added by this act.



1 (c) This SECTION expires January 1, 2002.

2 SECTION 4. [EFFECTIVE JANUARY 1, 2000] (a) For taxes due
3 and payable in calendar year 2001, the state board of tax
4 commissioners shall reduce the maximum ad valorem property tax
5 levy for each taxing unit for the removal of assessed value under
6 IC 6-6-5-1 by the amount of recreational vehicle excise tax
7 distributed to the unit under IC 6-6-5-9.

8 (b) This SECTION expires January 1, 2002.

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